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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,118	04/14/2004	Ronald W. Schmidt	33098-DIV1	3117
23589	7590	11/04/2004	EXAMINER	LE, DANG D
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/709,118	SCHMIDT ET AL.	
	Examiner	Art Unit	
	Dang D Le	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1,2 and 24-26 is/are rejected.
 7) Claim(s) 3-23 and 27-32 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 14 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renner (3,666,978) in view of Koch, Jr. (1,998,087) and further in view of Uchida et al. (4,958,095).

Regarding claim 1, Renner shows an air-cooled weather-protected generator comprising:

- A Stator (32);
- A rotor (34) rotatable relative to the stator about a rotational axis;

- A vented protective generator enclosure (14,) protectively enclosing the stator and rotor while permitting airflow thereto,
- Said enclosure including a primary generator housing (14, left) in which the stator and rotor are at least substantially housed,
- Said motor housing presenting a plurality of spaced apart air intake openings (50) through which ambient air is induced into the motor housing when the rotor is rotated,
- Said enclosure further including an air intake box (52) removably coupled to the generator housing in association with at least one of said intake openings,
- Said intake box being configured to generally filter (large objects) ambient air drawn into the enclosure and including at least one air inlet (58) and defining at least one deviated passage-way fluidly communicating the inlet and said at least one intake opening, and
- A coupling mechanism removably coupling the intake box to the motor housing, said coupling mechanism at least one hook (66) latchingly engaging the adapter plate (44) including an adapter plate and to support the intake box on the generator housing.

Renner does not show the intake box being configured to generally filter ambient air drawn into the enclosure and the machine being a motor.

Koch, Jr. shows the intake box (17) being configured to generally filter ambient air drawn into the enclosure for the purpose of preventing small foreign particles into the motor.

Uchida et al. shows the machine can be made as a starter for the purpose of reducing cost.

Since Renner, Koch Jr., and Uchida et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a filter in the intake box and to make the alternator as a motor as respectively taught by Koch Jr. and Uchida et al. for the purposes discussed above.

Regarding claims 2 and 24-26, it is noted that Renner, Koch, Jr., and Uchida et al. also show all of the limitations of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Stamm et al. (1,476,776).

Regarding claim 24, Stamm et al. shows an air-cooled weather-protected motor comprising:

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- A vented protective motor enclosure (23) including a primary motor housing that presents a plurality of spaced apart air intake openings (between 20) through which ambient air is induced into the motor housing,
- Said enclosure further including an air intake box (65) removably coupled to the motor housing in association with at least one of said intake openings,
- Said intake box being configured to generally filter (77) ambient air drawn into the enclosure and including at least one air inlet (76) and defining at least one deviated passageway fluidly communicating the inlet and said at least one intake opening,
- Said intake box being removably (69) supported on the motor housing.

Allowable Subject Matter

6. Claims 3-23 and 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Information on How to Contact USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/29/04



DANGLE
PRIMARY EXAMINER